

AUG 21 2006

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**FROM:** Kimberly A. Bolin  
Registration No. 44,546**DATE:** August 21, 2006

Number of pages with cover page:	12	
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Preparer of this slip has confirmed that facsimile number given is correct: 12056/eag4**Comments:**Attorney Docket No.: 420052000117  
Group Art Unit: 1615  
Examiner: G. Kishore  
Application No.: 09/628,387  
Filing Date: August 1, 2000  
Inventors: Patrick SOON-SHIONG et al.  
Title: METHODS AND FORMULATIONS OF TAXANES**Papers attached:**

1. Transmittal Form (1 page)
2. Power of Attorney (1 page)
3. Statement under 37 CFR 3.73(b) (1 page)
4. Copy of Assignment (3 pages)
5. Copy of Certificate of Amendment (2 pages)
6. Copy of Certificate of Merger (3 pages)

\*\*\*\*\*  
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PTO/SB/21 (09-04)

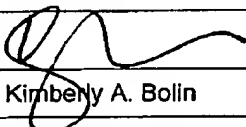
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/628,387
		Filing Date	August 1, 2000
		First Named Inventor	Patrick SOON-SHIONG
		Art Unit	1615
		Examiner Name	G. Kishore
Total Number of Pages in This Submission	11	Attorney Docket Number	420052000117

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address (1 page) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): - Statement under 37 CFR 3.73(b) (1 page) - Copy of Assignment (3 pages) - Copy of Certificate of Amendment (2 pages) - Copy of Certificate of Merger (3 pages) - Facsimile Cover Sheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP (Customer Number 25226)		
Signature			
Printed name	Kimberly A. Bolin		
Date	August 21, 2006	Reg. No.	44,546

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.	
Dated: August 21, 2006	Signature: <u>Elsa Guezlec</u> (Elsa Guezlec)

pa-1088612

PTO/SB/80 (01-06)  
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## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number: 25226

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number: 25226

OR

☐ Firm or Individual Name

Address

City	State	Zip
Country	Telephone	Email


Assignee Name and Address:

Abraxis BioScience, Inc.  
 2730 Wilshire Boulevard, Suite 500  
 Santa Monica, California 90403

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

### SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	8.12.06
Name	Richard E. Maroun	Telephone	(310) 883-3146
Title	Chief Administrative Officer		

Attorney Docket No.: 420052800100

pa-1084039

PTO/SB/88 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Patrick SOON-SHIONG et al.Application No./Patent No.: 09/628,387 Filed/Issue Date: August 1, 2000Entitled: METHODS AND FORMULATIONS OF TAXANESAbraxis BioScience, Inc., a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:
- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Neil P. DESAI and Patrick SOON-SHIONG To: VivoRx Pharmaceuticals, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: VivoRx Pharmaceuticals, Inc. To: American BioScience, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: American BioScience, Inc. To: Abraxis BioScience, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
Signature8.12.06  
DateRichard E. Maroun  
Printed or Typed Name(310) 883-3146  
Telephone NumberChief Administrative Officer  
Title

Attorney Docket No.: 420052000117

pa-1084083

ASSIGNMENT

COPY

This Assignment is made by Neil P. Desai, Los Angeles, California and Patrick Soon-Shiong, Los Angeles, California ssignor(s), to, VIVORX PHARMACEUTICALS, INC., Assignee, having a place of business at 2825 Santa Monica Blvd., Suite 104, Santa Monica, California 90404.

WHEREAS, Assignor(s) have invented a new and useful invention entitled COMPOSITIONS USEFUL FOR ADMINISTRATION OF CHEMOTHERAPEUTIC AGENTS, for which an application for United States Letters Patent, was filed on September 9, 1997 in the United States Patent and Trademark Office and assigned U.S. Serial No.08/926,155.

WHEREAS, Assignor(s) believe themselves to be the original inventor(s) of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said inventions in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor(s) sell(s), assign(s), and transfer(s) to Assignee, the entire right, title, and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Assignor(s) agree that, upon request and without further compensation, but at no expense to Assignor(s), they and their legal representatives and assign(s) will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of

2

Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignor(s) represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignor(s) authorize(s) and request(s) the Assistant Commissioner for Patents of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

3

IN WITNESS WHEREOF, Assignor(s) have executed this Assignment on the date(s) provided below.

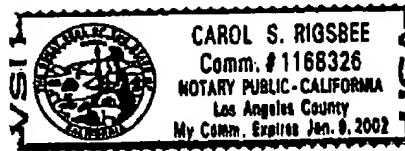
Assignor : Neil P. DesaiDate: February 25, 1998Signature [Signature]

STATE OF California  
COUNTY OF Los Angeles

On February 25, 1998 before me, Carol S. Riggsbee, a Notary Public in and for said State, personally appeared Neil P. Desai, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Signature of Notary)

Assignor : Patrick Soon-ShiongDate: February 23, 1998Signature [Signature]

STATE OF California  
COUNTY OF Los Angeles

On February 23, 1998 before me, Carol S. Riggsbee, a Notary Public in and for said State, personally appeared Patrick Soon-Shiong, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Signature of Notary)

GT6059688.1  
102811-990000

COPY

**CERTIFICATE OF AMENDMENT  
OF ARTICLES OF INCORPORATION OF  
VIVORX PHARMACEUTICAL, INC.,  
a California corporation**

ENDORSED - FILED  
IN THE OFFICE OF THE  
SECRETARY OF STATE  
OF THE STATE OF CALIFORNIA

APR 10 1998

BILL JONES, SECRETARY OF STATE

Patrick Soon-Shiong hereby certifies as follows:

1. He is the President and Secretary of VivoRx Pharmaceutical, Inc., a California corporation.
2. ARTICLE I of the Articles of Incorporation of this corporation is amended to read in full as set forth below:

"I

The name of this corporation is American BioScience, Inc."

3. The amendment set forth above in Section 2 of this certificate (the "Amendment") has been duly approved by the Board of Directors of this corporation.

4. The Amendment has been duly approved by the required vote of the shareholders of this corporation in accordance with Section 902 of the California Corporations Code. This corporation has two series Preferred Stock and one class of Common Stock, all of which votes together as one class, and the number of outstanding shares entitled to vote with respect to the Amendment is 48,105,369. The number of shares voting in favor of the Amendment equaled or exceeded the vote required. The percentage vote required for the approval of the Amendment was more than fifty percent (50%).

The undersigned hereby declares under penalty of perjury under the laws of the State of California that he has read this certificate, knows the contents thereof, and that the same is true and correct of his own knowledge.

Executed at Santa Monica California, on April 9, 1998.

  
**PATRICK SOON-SHIONG,**  
President and Secretary

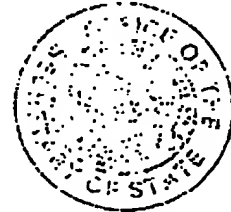


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SECRETARY OF STATE



ing 1pg.

I, **BILL JONES**, Secretary of State of the State of California, hereby certify:

That the attached transcript has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this

APR 14 1998



*Bill Jones*

Secretary of State

BEST AVAILABLE COPY

# Delaware

# COPY

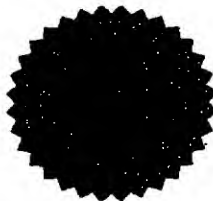
PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"AMERICAN BIOSCIENCE, INC", A CALIFORNIA CORPORATION,  
WITH AND INTO "AMERICAN PHARMACEUTICAL PARTNERS, INC." UNDER  
THE NAME OF "ABRAXIS BIOSCIENCE, INC.", A CORPORATION ORGANIZED  
AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS  
RECEIVED AND FILED IN THIS OFFICE THE EIGHTEENTH DAY OF APRIL,  
A.D. 2006, AT 9 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE  
NEW CASTLE COUNTY RECORDER OF DEEDS.



3430252 8100M

060361520

*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 4676633

DATE: 04-19-06

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 09:04 PM 04/18/2006  
FILED 09:00 PM 04/18/2006  
SRV 060361520 - 3430252 FILE

**CERTIFICATE OF MERGER  
OF  
AMERICAN BIOSCIENCE, INC.  
INTO**

**AMERICAN PHARMACEUTICAL PARTNERS, INC.**

**Under Section 252 of the Delaware General Corporation Law ("DGCL")**

The undersigned American Pharmaceutical Partners, Inc., a Delaware corporation (the "Company"), DOES HEREBY CERTIFY:

FIRST: That the name and state of incorporation of each of the constituent corporations of the merger is as follows:

<u>Name</u>	<u>State of Incorporation</u>
American BioScience, Inc.	California
American Pharmaceutical Partners, Inc.	Delaware

SECOND: That an agreement and plan of merger between the Company and American BioScience, Inc., dated November 27, 2005 (the "Merger Agreement"), has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with Section 252 of the General Corporation Law of the State of Delaware.

THIRD: The Company shall be the surviving corporation of the merger (the "Surviving Corporation"). At the effective time of the merger, the name of the Surviving Corporation will be amended to be Abraxis Bioscience, Inc. as set forth in Article Fourth.

FOURTH: The Amended and Restated Certificate of Incorporation of the Company shall be the Certificate of Incorporation of the Surviving Corporation, with such Amended and Restated Certificate of Incorporation being amended as follows:

(a) Section 1 of the Amended and Restated Certificate of Incorporation is amended to read in its entirety as follows:

"Section 1

The name of the corporation is Abraxis BioScience, Inc. (the "Corporation")."

(b) Section 4.1 of the Amended and Restated Certificate of Incorporation is amended to read in its entirety as follows:

"4.1 The aggregate number of shares of capital stock which the Corporation shall have authority to issue is 356,000,000, consisting of 350,000,000 shares of common stock, \$.001 par value per share ("Common Stock"), and 6,000,000 shares of preferred stock \$.001 par value per share ("Preferred Stock")."

Certificate of Merger\_v1

**FIFTH:** The executed Merger Agreement is on file at an office of the Surviving Corporation at 1501 East Woodfield Road, Suite 300 East, Schaumburg, Illinois 60173-5837.

**SIXTH:** A copy of the Merger Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of any constituent corporation.

**SEVENTH:** The authorized capital stock of American BioScience, Inc., the only constituent corporation which is not a Delaware corporation, is 300,000,000 shares of common stock and 32,500,000 shares of preferred stock.

Dated: April 19, 2006

AMERICAN PHARMACEUTICAL PARTNERS, INC.

By: 

Name: Patrick Soqua-Shiong

Title: Chief Executive Officer